



New Energy Advertising

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Received & Inspected  
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FCC Mail Room

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Federal Communications Commission  
445 12th St., S.W.  
Washington, D.C. 20554

To Whom It May Concern:

My name is Ty Woodson. As President of New Energy Advertisement, I am submitting this Petition/Affidavit in support of my request for exemption to the 'Closed Captioning' requirements on the grounds that it would place an undue burden and financial hardship upon our company, and more importantly, the time required to "Close Caption" puts us in non-compliance with regional and state advertising guidelines.

New Energy Advertising is a small production company out of Rancho Santa Margarita, California. We produce several local paid programming and infomercials for the automotive retail industry. These automotive infomercials ( 28:30 in length) are updated on a weekly basis, and the turnaround time is about 36 hours from shoot to station. The production is sold on a daily basis, and the program/advertisement content must be updated within 72 hours after selling the vehicle in order to comply with the regional and state advertising guidelines.

The paid programming and infomercials we produce run on local cable access stations, as well as local independent and local affiliated broadcast networks.

Our production cost for a full 28:30 infomercial runs an average of \$1,000.00 per show with a turnaround time averaging 36 hours. To "close caption" a show would require the minimum of a 6 to 7 day turnaround and an additional expense of approximately \$500.00 per show. By the time the "CC" tape is sent back to us and then out to the station, we are out of compliance with our regional/state advertising guidelines. At this time, each and every show is in compliance with the advertising guidelines set forth by the state, with fully visible disclaimers and full graphics on every vehicle, and fully visible disclaimers and full graphics on any price/payment related item.

In short, making each show "Close Captioned" would push our clients out of compliance with their advertising guidelines and raise our production costs 50%. More importantly, however, this would cause a major financial burden on our company. For several months I explored our options in purchasing and implementing the "CC." The results are that "CC" would require staffing up (i.e., hiring new, specialized personnel) and purchasing new equipment and software (approximately \$20,000.00). The major setback we would experience if we put "CC" in place is the loss of several clients due to the costs, turnaround time, and the fact that, as explained above, their product would fall out of compliance with local advertising guidelines.

For the reasons outlined above, and due to the nature of our programming product and its special time constraints to stay in compliance with regional and state requirements, I request that our company, New Energy Advertising, be given an exemption to the "Closed Captioning" requirement. Sincerely yours,

Ty Woodson